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Chairman: Mr. Haniff ..... (Malaysia)

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The meeting was called to order at 10.10 a.m.

Agenda item 69: Promotion and protection of human rights (A/66/87)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/66/156, 161, 203, 204, 216, 225, 253, 254, 262, 264, 265, 268, 269, 270, 271, 272, 274, 283, 284, 285, 289, 290, 293, 310, 314, 325, 330, 342 and Add.1, and 372)

(c) Human rights situations and reports of special rapporteurs and representatives (A/66/267, 322, 343, 358, 361, 365, 374 and 518)

1. **Ms. Pillay** (United Nations High Commissioner for Human Rights), introducing her annual report (A/66/36) which focused primarily on the six thematic priorities of the Office of the High Commissioner for Human Rights (OHCHR), said that the protest movements in the Middle East and North Africa had reaffirmed the reach of human rights in areas where repression and a denial of rights once seemed immutable conditions. Her Office had sought to support the quest for civil, political, economic and social rights at both the national level and in international forums.

2. Where human rights mechanisms were concerned, OHCHR welcomed the fact that all 193 Member States had participated in the universal periodic review process. Her Office had provided support to States in the preparation of the reviews and proposed practical ways to follow up the recommendations. More than 89 Member States had extended standing invitations to special procedures, but the mandate holders still faced difficulties in securing approval to visit States, including some that had extended invitations. She therefore urged the General Assembly to encourage intensified dialogue at the national, regional and international levels.

3. The number of treaty bodies had doubled over the last 10 years with the corresponding increase in accessions and reporting; the downside was that the system was overloaded. Her Office was facilitating dialogue among stakeholders to develop proposals for strengthening the system. The Universal Human Rights Index, an electronic tool managed by her Office, was an innovative instrument for the study and advocacy of the work of human rights mechanisms. It permitted wide dissemination of the recommendations and observations of the human rights treaty bodies and special procedures to assist States in the implementation of recommendations and to streamline follow-up at the national level.

4. Her Office continued to draw attention to discrimination and inequality, including discrimination on the basis of sexual orientation or gender identity. In June, the Human Rights Council had adopted resolution 17/19 in that regard, requesting her Office to commission a dedicated study to be released at the Council's nineteenth session. OHCHR had played a leading role in the 2011 International Year for People of African Descent, developing an office-wide framework for action to combat discrimination against Afro-descendants. It had launched a fellowship programme aimed at empowering people of African descent and provided technical assistance to five countries for the development of national action plans against racial discrimination.

5. The twenty-fifth anniversary of the Declaration on the Right to Development had been commemorated recently, inspiring activities to advance the right to development that would continue beyond 2011. In pursuing its task of promoting human rights in the context of migration, her Office highlighted the situation of all migrants, including irregular migrants, whose human rights were routinely violated.

6. With regard to combating impunity, and protecting human rights in the context of armed conflict and insecurity, OHCHR had led the efforts of the United Nations in the field of transitional justice, a key element of post-conflict situations to ensure that violence was neither condoned nor perpetuated through impunity. In that regard, her Office had provided technical advice to the Democratic Republic of the Congo on a draft law for the establishment of special chambers for the prosecution of violations of international human rights law and humanitarian law. Human rights education was important as a means to combat impunity and strengthen accountability, the rule of law and democracy. The Office had implemented human rights education programmes, provided assistance to Governments, institutions and civil society, and developed related tools in that field.

7. Recent developments in various countries of the Middle East and North Africa and other situations, such as those in the Sudan and Côte d'Ivoire, had

highlighted the critical need to develop sustainable ways to prevent the escalation of violence and protect civilians promptly and effectively. In addition, in an increasing number of countries, large-scale violent crime also exacted an enormous toll on human rights. However, the fight against crime, if not carried out in full respect for human rights, could result in further attacks on the rights of those that OHCHR sought to protect.

8. In conclusion, in the face of the towering challenges and escalating expectations, it had become increasingly difficult for the Office to keep pace with the multiplication of mandates and requests for assistance. The General Assembly's decision to consider ways to make essential resources speedily available in response to urgent and time-sensitive mandates created by the Human Rights Council was a welcome measure. The support of all Member States was necessary to ensure that the human rights programme truly constituted the third pillar of the United Nations and responded to the legitimate demands of people in all parts of the world.

9. **Mr. Kamau** (Kenya), speaking on behalf of the African Group, said that the Group was grateful to the High Commissioner for her engagement with human rights in Africa and worldwide and underlined its support and commitment to international human rights. Nevertheless, it was dismayed by the historical bias of the Office of the High Commissioner towards civil and political rights, at the expense of economic, social and cultural rights. The Group would have liked to have seen proposals for a more robust engagement with regard to the latter that promoted synergies between the two interrelated sets of rights. Development and respect for human rights were interdependent, and human rights could not be guaranteed in an environment of abject poverty, hunger and disease.

10. Many human rights instruments imposed onerous obligations that required expertise at the national and regional levels. The Office should enhance its capability to provide the necessary technical assistance and support to Member States when requested. Furthermore, the staff composition of OHCHR should reflect the full diversity of the human race. Africa had consistently insisted that the imbalance in its composition had a negative impact on the Office's effectiveness and delayed the collective attainment of human rights.

11. While appreciating efforts to eliminate discrimination and acts of violence against any individual, the African Group was concerned about attempts to undermine international human rights by seeking to impose concepts or notions pertaining to social issues that fell outside the framework of the human rights system, and that resources were being expended on such issues to the detriment of the internationally recognized rights such as those to development and to food. The Office should act with restraint until all Member States had defined the scope and application of such notions.

12. No State could claim to have fulfilled all its human rights obligations. At times, the highly politicized approach to dealing with human rights issues jeopardized the realization of human rights worldwide. The promotion and protection of human rights involved more than identifying so-called wrongdoers or exhorting culprits to improve their performance. Genuine improvement required a measure of historical perspective and humility, political commitment, cultural sensitivity, resources and long-term effort in areas such as education, health care, poverty and hunger eradication, as well as institution-building and strengthening. To that end, the African Group called for increased support and genuine partnership with both OHCHR and the international community.

13. **Mr. Mac-Donald** (Suriname) said that his country appreciated the guidance received from the Office of the High Commissioner during the universal periodic review process and also hoped that OHCHR would support the initiative to erect a permanent memorial to transatlantic slavery at United Nations Headquarters in New York. He asked whether the Office would be initiating new programmes to assist Member States achieve Millennium Development Goal 3: Promote gender equality and empower women. Also, the High Commissioner had mentioned that she was providing technical advice on the draft law for prosecution of violations of international human rights law. It would be interesting to know whether the law would apply to United Nations peacekeepers who committed human rights violations while involved in peacekeeping operations.

14. **Ms. Morgan** (Mexico) said that Mexico supported the thematic priorities of the Office of the High Commissioner and would be interested to have information on some of the actions that OHCHR was

undertaking to prevent the violation of the human rights of migrants.

15. **Ms. Morch Smith** (Norway) said that her country welcomed the Office's leading role within the United Nations system with regard to transitional justice and would like to know how OHCHR was working with other United Nations agencies to ensure a coordinated and coherent approach to the rule of law and accountability. Norway strongly supported the focus on human rights violations, including discrimination based on sexual orientation or gender identity. It looked forward to the study requested in Human Rights Council resolution 17/19 and would like to know how Member States could support the High Commissioner in moving that agenda forward.

16. Full respect for the independence of OHCHR was of paramount importance to ensure that it remained an objective and strong voice against human rights violations. Member States had the responsibility to ensure that essential resources were made available so that the Office could respond to the urgent and time-sensitive mandates created by the Human Rights Council.

17. **Ms. Bouhamidi** (Morocco) said that her country welcomed the special attention paid to the right to development in the High Commissioner's report and would appreciate an update on the activities planned by the Office to celebrate the twenty-fifth anniversary of the Declaration of the Right to Development. The Human Rights Council's special procedures made a valuable contribution to the promotion and protection of human rights; and the universal periodic review mechanism was of tremendous importance in helping States improve their human rights situation on the ground. On the issue of strengthening the treaty body system, Morocco proposed that the High Commissioner address the General Assembly, through a side event or an informal briefing, to launch a discussion among Member States.

18. **Mr. Yahiaoui** (Algeria) asked the High Commissioner to comment on the role that her Office could play to ensure that the special procedures respected their mandates, as well as on a code of conduct, in order to safeguard their independence and ensure that their work was based on trust and cooperation with Member States and avoided politicization. Algeria welcomed the consultations on the opening of country and regional offices undertaken by OHCHR with the States concerned. It would be interesting to know whether the plan for the new regional offices provided for equitable geographical distribution of the people staffing them.

19. When referring to the protection of the human rights of migrants, the High Commissioner had not mentioned the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which had been ratified, above all, by countries of origin. It would be useful to know what the Office was doing to promote the universal ratification of the Convention.

20. **Ms. Zolotova** (Russian Federation) said that the events of the Arab Spring had significantly added to the work of OHCHR. The issue of providing unplanned financial resources, especially with regard to decisions of the Human Rights Council, had not yet been decided. She wished to know how the High Commissioner was dealing with the situation. The single meeting with Member States in Sion, Switzerland, was insufficient to elaborate adequate decisions to overcome the current situation of the treaty bodies. The High Commissioner should provide information on her plans to advance the reflection process.

21. Mention had been made of indexing the recommendations of the universal periodic review and other mechanisms in order to help Governments implement them. It would be useful to know which recommendations would be included and how the index would assist implementation. While agreeing that human rights violations should not remain in impunity, the main focus of the work of OHCHR should be on enhancing dialogue with Member States in order to improve their collaboration. The High Commissioner's mandate should not be re-focused from a policy of assisting States in the area of human rights to the function of international judge.

22. **Mr. de Bustamante** (Observer for the European Union), while commending the work of the Office of the High Commissioner in responding to the dramatic changes and evolving situations in the Middle East and North Africa, expressed deep dismay at the worsening situation in the Syrian Arab Republic and hoped that authorities would heed the call to cooperate with the international commission of enquiry appointed by the Human Rights Council. Information would be appreciated on the establishment of a regional office

for North Africa. His delegation would welcome the High Commissioner's views on how to further reinforce the integration of human rights and the peace and security pillar of the United Nations. More information would also be welcome on future measures for strengthening the treaty body system.

23. **Ms. Li** Xiaomei (China) said that efforts to ensure the right to development should not be limited to the celebration of the twenty-fifth anniversary of the Declaration, but should increase the focus on economic, social and cultural rights to help developing countries achieve the Millennium Development Goals. As requested, the Office should submit a strategic management plan mentioning the source and distribution of resources for the consideration of the Human Rights Council and listen to the views of all countries so as to obtain a broad consensus. To fulfil its role in investigating human rights violations, OHCHR should abide by the respective authorization of the Human Rights Council; adhere to the principles of impartiality, objectivity and neutrality; respect sovereignty and territorial integrity, and promote political dialogue with all parties concerned.

24. **Ms. Freedman** (United Kingdom) commended the Office on its extremely active role in highlighting human rights violations, especially in the Syrian Arab Republic, and called on the Syrian Government to immediately cease all human rights violations and protect the Syrian people. The Council had also acted decisively in promoting and protecting human rights through its ground-breaking resolution 17/19 on human rights, sexual orientation and gender identity and the special sessions on Côte d'Ivoire, Libya and the Syrian Arab Republic. The special procedures were an essential resource in addressing situations of concern, but they continued to face difficulties in arranging visits to some States. In particular, the United Kingdom called on the Government of the Islamic Republic of Iran to facilitate access for the Special Rapporteur on the situation of human rights in that country.

25. The United Kingdom attached great importance to the treaty bodies and hoped that the High Commissioner would give them the high priority that they deserved when allocating resources. It looked forward to her proposals to strengthen the system without adding significant resource requirements and also hoped that attention would be given to national selection processes for treaty body members so as to encourage States to nominate members who were independent from the Government and had the required expertise to assist States with the implementation of their respective obligations.

26. **Mr. Al-Yafei** (United Arab Emirates), speaking on behalf of the Organization of the Islamic Conference Group, said that the member States of the Group had worked to enable the United Nations system to take measures for the protection of human rights, including in areas under foreign occupation. Regarding the High Commissioner's reference to sexual orientation, the Group was seriously concerned at the attempt to introduce in the United Nations an undefined notion with no legal foundation in any international human rights instrument and to focus on certain individuals on the grounds of their sexual preferences and behaviour, while ignoring widespread intolerance and discrimination based on other factors, including xenophobia. Individuals were not inherently vulnerable, but were made vulnerable owing to their socio-economic circumstances.

27. The Group considered that an attempt was being made to impose undefined notions on the wider membership of the United Nations without any legal foundation or internationally agreed definition of its scope. Consequently, its member States rejected the High Commissioner's statement and the references in her report with regard to such notions and would like such references in a formal report of a United Nations body to be avoided in the future.

28. **Ms. Horsington** (Australia) said that her delegation would be interested to hear the High Commissioner's view on what she expected from the second round of the universal periodic review process and on the types of follow-up or information-sharing mechanisms that could be established to evaluate the performance of individual countries.

29. **Mr. Tagle** (Chile) said that Chile supported all measures to eliminate discrimination, including the initiative to erect a memorial to transatlantic slavery. Migrant workers were particularly affected by discrimination, and Chile was working to implement their rights. While reaffirming its commitment to the Office of the High Commissioner, Chile would appreciate further information on its future relationship with other United Nations agencies, especially those dealing with human rights issues.

30. **Ms. Cavanagh** (New Zealand) said that her country remained a strong supporter of the

independence and integrity of the High Commissioner and her Office, which had risen to meet the extraordinary array of human rights challenges over the past year, and it welcomed efforts to integrate human rights into all areas of the work of the United Nations. She would therefore be interested in hearing the High Commissioner's views on further steps that could be taken to integrate human rights into ongoing discussions on the Millennium Development Goals. It was evident that changes were required to the treaty body system. Her delegation looked forward to the High Commissioner's forthcoming compilation of proposals and would welcome comments on which proposals she considered most useful for improving its functioning.

31. **Mr. Sparber** (Liechtenstein) asked what effect the urgent human rights mandates entrusted to the High Commissioner by the Human Rights Council had on the OHCHR budget. Treaty body reform was most efficiently and effectively carried out by the treaty bodies themselves in close consultation with States parties. Efforts should concentrate on specific practical measures instead of engaging in intergovernmental attempts to make sweeping changes. It would be useful to know what the Office of the High Commissioner considered were the most promising paths to reform the treaty bodies. Liechtenstein was concerned that, recently, human rights appeared to have been banished from the mainstream of United Nations activities. Did the High Commissioner share that assessment and, if so, what could be done to turn the situation around?

32. **Ms. Boutin** (Canada) said that Canada remained concerned about the human rights situation in various places around the world, including the Islamic Republic of Iran and the Democratic People's Republic of Korea. The Canadian Government was establishing an office of religious freedom within the Ministry of Foreign Affairs to advance the right to freedom of religion and conscience as a key objective of Canadian foreign policy and would like to know what steps the international community could take to advance that right. In addition, Canada remained concerned that some actors continued to misuse international platforms to politicize anti-Semitic views and asked what measures the international community should focus on in order to effect positive change in that regard.

33. **Mr. Wrafter** (Ireland) said that the High Commissioner had referred to the strengthening of treaty bodies in her report. Ireland would like to know what the next steps would be in that process and also looked forward to the study that OHCHR had been mandated to prepare under Human Rights Council resolution 17/19 on human rights, sexual orientation and gender identity.

34. **Mr. Minty** (South Africa) said that, in the context of the priority areas identified by the High Commissioner for the budget year, support for the special procedures and mechanisms remained crucial for ensuring the protection and promotion of human rights. South Africa regarded the United Nations treaty body system as the keystone for ensuring that States parties respected their obligations. Nevertheless, the survival of the system was threatened by the failure of States to sign and ratify core international human rights instruments, the tendency to include reservations, and lack of funding.

35. Regarding the study on discrimination on the basis of sexual orientation, it was imperative that the panel to be convened facilitated dialogue on the issue, rather than entrenching further divisions and finger-pointing. Racism was rising in many countries and regions. South Africa therefore welcomed the efforts of OHCHR to translate the international obligations under the Durban Declaration and Programme of Action into national laws, policies and programmes.

36. It would be useful to have more information on the proposed index of the universal periodic review recommendations and how it would work in practice and also on the level of support granted to date to the High Commissioner's Fellowship Programme for People of African descent. Lastly, he asked whether OHCHR had any plans to assist in the achievement of the Millennium Development Goals in the light of the slowness of progress, especially in Africa.

37. **Ms. Nemroff** (United States of America) said that her country was ready to work with the Office of the High Commissioner and other Member States to ensure that bureaucratic hurdles were not permitted to obstruct the mandates of the commission of inquiry. Regarding the Syrian Arab Republic, it was profoundly concerned by the report of the fact-finding mission. She welcomed the formation of a commission of inquiry and strongly urged full cooperation by all members of the international community.

38. She requested further information on what could be done to overcome the bureaucratic and budgetary obstacles to the implementation of high-priority time-sensitive activities mandated by the Human Rights Council, such as fact-finding missions and commissions of inquiry. Also, what steps could be taken to increase cooperation between OHCHR and the special rapporteurs and commissions of inquiries, and what should be done when repeated requests for access and cooperation were denied? Lastly, it would be interesting to know whether there were any issues that the High Commissioner believed should be taken up by the Human Rights Council that were not on its agenda currently.

39. **Mr. Makanga** (Gabon), endorsing the observations made by Kenya with regard to the importance of economic, social and cultural rights and respect for an equitable geographical distribution in the staffing of the Office of the High Commissioner, said that human rights were increasingly important for peace and security, particularly in regions affected by crises and conflicts such as the subregion of Central Africa, where there were multiple challenges.

40. The United Nations Subregional Centre for Human Rights and Democracy in Central Africa, which celebrated its tenth anniversary in 2011, was a crucial instrument for improving the observance of human rights in the subregion. Its credibility and utility had been firmly established. However, the Centre required additional human and financial resources in order to fulfil its mandate in light of the multiple crises and conflicts in the subregion.

41. **Mr. Omba Olenga** (Democratic Republic of the Congo) said that most human rights violations in the Democratic Republic of the Congo took place in the eastern part of the country where there were foreign armed groups, especially the Lord's Resistance Army and the Forces démocratiques de libération du Rwanda. His country was countering the activities of those armed groups in order to ensure the observance of human rights in that area and pledged its full support to the Office of the High Commissioner in order to re-establish peace and security there.

42. **Mr. Babadoudou** (Benin) said that the report of the High Commissioner referred to the supposed intimidation or reprisals against those who cooperated with the United Nations and its representatives in the field of human rights. He asked how that could be explained and whether there was perhaps a much deeper cause for that reaction.

43. Benin considered it unacceptable that attempts were being made to flout existing rights or to create rights or introduce new concepts for which there was, as yet, no content. The High Commissioner had referred to the issue of discrimination, but appeared to prefer dwelling on notions that did not appear in the Universal Declaration of Human Rights. That was all the more regrettable because, for developing countries, the important issue was how to ensure the rights to access to food, primary health care and housing. His delegation did not deny the existence of sexual rights, depending on their content, but considered that the priority needs should be looked at more closely.

44. His country again wished to draw attention to General Assembly resolutions 62/171 and 63/173 on the International Year of Human Rights Learning and would like to know why the resolutions had not been mentioned in either the High Commissioner's report or presentation or in resolutions recently adopted by the Council.

45. **Ms. Mballa Eyenga** (Cameroon), referring to the report of the Secretary-General on the Subregional Centre for Human Rights and Democracy in Central Africa (A/66/325), said that Cameroon urged continued support for the Centre in Yaoundé, which had helped train personnel in charge of teaching democracy and provided support to national institutions on human rights and democracy. Although the report referred to shortcomings that still existed in the promotion and defence of human rights in Central Africa, her delegation hoped the Committee would observe the progress achieved by the Centre, as well as the commitment of the countries of the subregion to cooperate with the Centre towards the ideal of a culture of peace.

46. **Ms. Camino** (Cuba) said that, during the eighteenth session of Human Rights Council, Cuba had sponsored resolution 18/6 to establish a new mandate of independent expert on the promotion of a democratic and equitable international order, which had been submitted to the General Assembly for adoption during the current session. That special procedures mandate would contribute to strengthening the work of OHCHR.

47. Cuba, like other developing countries, would continue to advocate the right to development as an

essential issue. It was not enough to merely mention the twenty-fifth anniversary of the adoption of the Declaration on the Right to Development. Specific measures must be taken. Lastly, Cuba reiterated the importance of observing the principles of objectivity and impartiality in the work of the Human Rights Council, as well as the importance of strengthening cooperation in favour of human rights.

48. **Mr. Selim** (Egypt) said that the technical assistance tools of the Office of the High Commissioner needed to be improved. His delegation would appreciate the High Commissioner's suggestions in that regard; in particular, as to whether adequate funding was being allocated for that purpose. A transparent and open dialogue between the High Commissioner, the Human Rights Council and the Committee could play an important role in supporting international efforts. Further cooperation and consultation would be appreciated, and Egypt would like to know how such an open dialogue could be established with regard to the strategic framework of OHCHR and the allocation of budgetary and extrabudgetary resources.

49. Egypt welcomed the efforts made to strengthen the treaty bodies and looked forward to further steps at the intergovernmental level to reach a consensual framework that would enable them to operate more effectively and efficiently and to avoid duplication with already-existing mechanisms such as the universal periodic review.

50. **Mr. Falouh** (Syrian Arab Republic) said that in recent months his country had been subject to crimes against it and its people committed by armed terrorist groups, accompanied by an unprecedented media campaign, supported by a number of Western countries, with allegations targeting security, stability and national unity aimed at undermining Syrian institutions and the country as a whole.

51. The Syrian Arab Republic had welcomed a United Nations delegation on humanitarian assistance and had received the International Committee of the Red Cross, which revealed that it had nothing to hide. Moreover, the Government had repeatedly stated that it was ready to receive the Human Rights Council's commission of inquiry after it had concluded a comprehensive national investigation. His country had presented its national report under the universal periodic review in July 2011, which had been supported by the majority of Council members and, subsequently, it had adopted over 100 recommendations. Lastly, his Government was disappointed that the High Commissioner had not mentioned Israel's occupation of Arab territories and would like to know more about the measures that she intended to take to promote the protection of human rights in situations of conflict, especially the rights of peoples under foreign occupation, in order to guarantee the impartiality of her work.

52. **Mr. Al Habib** (Islamic Republic of Iran) said that his Government believed in positive cooperation and interaction with OHCHR to promote human rights and to that end planned to invite the High Commissioner and two special rapporteurs to visit the country in 2012. He stressed that the Office should retain its unbiased approach and independence while operating within the framework of the accepted principles of the Human Rights Council and should cease to insist on issues that were not internationally recognized human rights norms and standards in its reports.

53. **Ms. Pillay** (United Nations High Commissioner for Human Rights) said that the points raised provided a very useful perspective and insight and that her goal was to be transparent and provide information on all the work of her Office. Some delegations had felt that its work was biased in favour of civil and political rights; however, over the past three years, she had prioritized economic, social and cultural rights, as well as the right to development, with several specific activities. She did not act as an international judge, but rather within the mandate and framework provided by Member States. Although her efforts to monitor and address human rights violations sometimes brought her into confrontation with States, they were carried out in a spirit of cooperation. For example, in the midst of conflicts in Côte d'Ivoire, Yemen, Tunisia, Egypt and Libya, members of her Office had been invited to visit those countries and provide assistance.

54. Since assuming office, she had tried to improve the geographical diversity in staffing and asked delegations to observe the trend in overall geographical representation. In particular, there had been a distinct improvement in the recruitment of candidates from Africa. She appreciated the expressions of support for the independence of her Office and believed that it should work closely with the Human Rights Council to better protect and promote human rights. While there should be clarity and transparency in what OHCHR

was doing, as part of the United Nations Secretariat, its reporting obligations were to the Secretary-General and to the General Assembly.

55. The Office's regular budget amounted to less than 3 per cent of the regular budget of the United Nations, which was scandalous, since human rights was one of the Organization's three pillars. The constant addition of mandates and the necessary shifting of priorities to implement them made financial planning and management difficult and could not continue, especially with regard to the number of urgent fact-finding missions. A report was being submitted during the current session of the General Assembly which included as options: a review of mandates and resource requirements immediately following each session; immediate access to a regular budget contingency fund; establishment of a human rights contingency fund, and access to the unforeseen and extraordinary expenses mechanism.

56. Some delegations had asked how her Office had been able to cover additional expenses. A contingency fund based on voluntary contributions enabled it to respond to crisis situations, but the fund had been fully depleted earlier in the year due to the missions to Tunisia, Egypt and Yemen and the commissions of inquiry that she had been mandated to support for Libya and Côte d'Ivoire. The contingency fund had been replenished with non-earmarked voluntary contributions to maintain a rapid response capability; however, it had again been depleted, and she was very worried about the financial situation. Although some States had made a significant commitment to cooperate with the special procedures, more needed to be done. She considered that pledges by States seeking membership on the Council could include such commitments, and the General Assembly could encourage the Council to follow up on such pledges regularly.

57. On assuming office, each mandate-holder was provided with the Code of Conduct, available on the Internet, and also had to sign a solemn declaration included in the Code. Her staff regularly drew mandate-holders' attention to their responsibilities. Concerns about the conduct of mandate-holders should be referred to the special procedures Coordination Committee under the internal advisory procedure, so that all sides could clarify any allegations concerning exceeding the mandate.

58. She had regularly called for ratification of all treaties, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which had resulted in a large number of ratifications. Over the past five years the treaty body system had doubled in size, mainly due to the entry into force of new treaties and the increased number of committees. The treaty bodies were in crisis, particularly with regard to funding. Proposals to rectify the situation had been made by various stakeholders; nevertheless, suggestions regarding more efficient working conditions should come from the committee members themselves. A two-day workshop on the matter had been held in Switzerland with some 90 Member States together with the heads of all nine treaty bodies. She hoped to have a similar dialogue in New York.

59. The second cycle of the universal periodic review would examine implementation of the more than 14,000 recommendations from the previous exercise when the human rights situation in 193 States had been reviewed. The Universal Human Rights Index, which should have been brought up to date before the second cycle, would be the only online tool that compiled recommendations from all human rights mechanisms and would permit the recommendations from all parts of the human rights system to be compared and analysed.

60. The Arab Spring had emphasized that the concern of people on the street was poverty, food and employment as well as democracy and political participation. The Office had continued to increase relevant activities to further promote and protect economic, social and cultural rights. In 2011, it had produced a report on indicators for monitoring the economic, social and cultural rights of migrants. It had also organized a consultation on land and human rights and a workshop on transitional justice processes.

61. Her Office would continue to provide technical advice to national partners through its field presence in 56 countries. Requests to the Office had increased almost sevenfold and she hoped to respond to them as fully as possible. On the issue of integrating human rights into peace and security, OHCHR worked closely with the Department of Peacekeeping Operations and the Department of Political Affairs and had a long record of collaboration on integrated missions.

62. In conclusion, with regard to the concerns raised about sexual orientation and gender identity, she said that, as a human rights challenge, the issue should not be controversial. Her Office was not trying to create new rights, but merely to highlight that everyone was entitled to the same rights and to equal protection as established under the Universal Declaration of Human Rights. She looked forward to discussing the issue constructively with all Member States during panel discussion on the study that she had been mandated to prepare and was convinced that, if the focus was on the violations perpetrated against those who were gay, lesbian, bisexual or transgender, there would be increasing support for action to address such problems more effectively.

63. **Mr. Nambiar** (Special Adviser to the Secretary-General on Myanmar) introduced the report of the Secretary-General on the situation of human rights in Myanmar (A/66/267) and described the latest developments in the situation in the country, noting that the Secretary-General had remained personally engaged on the issue at all times. On the political front, the most significant event had been the first meeting between the President and Daw Aung San Suu Kyi since 2002 following the latter's first political trip outside Yangon since her release from house arrest. Daw Aung San Suu Kyi had publicly expressed her confidence in the President's reform intentions and had held three rounds of talks with the Minister for Social Welfare, which included discussions on the granting of amnesty, peacebuilding, and cooperation to ensure law and order. The Minister had stated that the Government was willing to cooperate with the National League for Democracy after it had completed the legal registration procedure.

64. Since then, around 220 political prisoners had been released as part of an amnesty granted by the President, channelled through Parliament with the support of the military faction in the legislature. While welcoming that development, the Secretary-General had called for the release of all political prisoners. In parallel, the President had invited ethnic armed groups to enter into peace talks with their respective regional or state governments, and an official peace committee had been established to resolve ethnic conflicts. As a result, two peace agreements had been concluded. Overcoming Myanmar's painful history of civil conflict was a necessary condition for establishing the peace and stability needed for development.

65. There had also been significant political activity, and a large number of bills had been submitted to the new Parliament, including by opposition parties on politically sensitive issues. Three related developments revealed the steady pace at which reform efforts appeared to be taking hold. First, the agreement to take up a bill for amending the Political Parties Registration Law, following concerns that arose from the last elections. The by-election for 48 legislative seats in November would test how far the Government was ready to go towards ensuring a more inclusive political process. Second, the recent enactment of a new labour law guaranteeing the right to form and join unions and to strike. If correctly implemented, it had the potential to make a major contribution to the country's social, economic and political development. Third, the introduction of a new media law aimed at correcting existing legal restrictions to freedom of the press. In that regard, several foreign and exiled journalists had been allowed to visit Myanmar and to cover parliamentary proceedings.

66. The pace of domestic developments had coincided with a renewed engagement of Myanmar and the international community. Much had happened in Myanmar that gave reason to believe that real prospects for change existed. Nonetheless, the scale of the challenges that lay ahead had to be considered. If not properly managed, the stresses and expectations inherent in any transition could exacerbate rather than solve existing problems. All parties needed to redouble their efforts to strengthen national unity, implement the promised reforms and address the serious challenges facing the country. Achieving a credible transition from military rule to a civilian and democratic system would require the Government and other stakeholders to avoid the pitfalls and maximize the opportunities accompanying a transformation of such magnitude and complexity. In addition, the international community would need to increase its action to support and reinforce the changes.

67. The United Nations shared the perception of many, including Daw Aung San Suu Kyi, that change was possible. All Member States had a stake in seeing Myanmar succeed in introducing further reforms and democratization. The United Nations was committed to a policy of comprehensive engagement with the Government and people of Myanmar in the areas of political, humanitarian and development assistance. However, the United Nations system would be even

better placed to help if the existing restrictions on its operations were removed.

68. **Mr. Thant Kyaw** (Myanmar) said that, over the past year, Myanmar had undergone significant changes as regards its adherence to democratic values, which had attracted the positive attention of the international community. Elected representatives were exercising their democratic rights in the legislative bodies, and parliamentary debates were being reported onto the people by both official and private media. The Government had made it clear that citizens could participate freely in the political process and was working towards a peaceful solution with national armed groups. A series of socio-economic reforms had been undertaken that included increasing salaries, overhauling public health care and social security, raising education and health standards, amending press laws, promoting environmental conservation and enhancing measures to respond to natural disasters.

69. Myanmar valued its cooperation with the United Nations and would continue to strengthen it. He hoped that the country programme of the United Nations Development Programme would be resumed in the near future. Although challenges remained, the process of democratization would move forward in a dynamic and sustainable manner with the cooperation of the international community.

The meeting rose at 1.10 p.m.